

Commonwealth of Kentucky
Natural Resources and Environmental Protection Cabinet
Department for Environmental Protection
Division for Air Quality
803 Schenkel Lane
Frankfort, Kentucky 40601
(502) 573-3382

AIR QUALITY PERMIT

Permittee Name: U. S. Brick - Sipple Division
Mailing Address: P.O. Box 549, Stanton, Kentucky 40380-0549

Source Name: U. S. Brick - Sipple Division
Mailing Address: P.O. Box 549
Stanton, Kentucky 40380-0549

Source Location: 2014 Morris Creek Road, Stanton

Permit Type: Federally-Enforceable
Review Type: Title V

Permit Number: V-98-048
Log Number: F441
Application
Complete Date: February 9, 1998

KYEIS ID #: 102-3380-0001
AFS Plant ID #: 21-197-00001
SIC Code: 3251

Region: Bluegrass
County: Powell

Issuance Date:
Expiration Date:

John E. Hornback, Director
Division for Air Quality

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SECTION A - PERMIT AUTHORIZATION

Pursuant to a duly submitted application which was determined to be complete on February 9, 1998, the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto and shall become the final permit unless the U.S. EPA files an objection pursuant to Regulation 401 KAR 50:035, Section 21(3).

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and receiving a permit for the planned activity from the permitting authority, except as provided in this permit or in the Regulation 401 KAR 50:035, Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS

01 (01 04)

Raw Material Handling

Construction commenced: 1971

Particulate Control: Entire emission unit is enclosed in a building. Fugitive emissions are collected by hoods and vented to a large baghouse located outside the building.

Description:

Receiving Hopper

Grinder (Steele Fawcett)

Maximum Rated Capacity: 40 tons/hour

Screens (2) (Diester)

Maximum Rated Capacity: 40 tons/hour

Conveyors (3) and Transfer Points

APPLICABLE REGULATIONS:

Regulation 401 KAR 61:020, Existing process operations, applicable to an emission unit commenced before July 2, 1975.

1. **Operating Limitations:** None

2. **Emission Limitations:**

- a. Pursuant to Regulation 401 KAR 61:020, Section 3(2), emissions of particulate matter from the baghouse shall not exceed 42.5 lbs/hr.
- b. Pursuant to Regulation 401 KAR 61:020, Section 3(1), visible emissions into the open air from the baghouse shall not equal or exceed 40 percent opacity.

Compliance with the particulate mass emission standard may be demonstrated using the following equation: particulate emission rate (lbs/hour) = raw material processed (tons/hour) x particulate emission factor (lbs/ton). The emission factor shall be based on the results of a stack test of this facility or similar facilities, or, if these are not available, the applicable emission factor given in Table 11.3-2 of AP-42 (8/97) may be used.

3. **Testing Requirements:** None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements:

Visible emissions from the baghouse shall be monitored at least once annually using EPA Reference Method 9.

The permittee shall monitor opacity qualitatively at least once per operating day and the results recorded in a log. The permittee shall record duration and density (heavy or light) of visible emissions as well as the cause and corrective action taken for any abnormal visible emissions.

The hourly production rate of raw material processed shall be monitored daily and the results recorded in a log.

The pressure drop across the baghouse shall be monitored weekly and the results recorded in a log.

5. Specific Recordkeeping Requirements:

Records of opacity monitoring data, hourly production rates, baghouse pressure drop, and support information shall be kept in accordance with the provisions of Condition 2 of Section E.

6. Specific Reporting Requirements:

See Section E, Conditions 5, 6, 7, and 8.
See Section F, Condition (a) 4.

7. Specific Control Equipment Operating Conditions:

The Flex Kleen baghouse shall be operational at all times when raw materials are being processed within the building housing the raw material handling equipment listed above. Bags in the baghouse shall be cleaned or replaced as needed to comply with the emission limitations.

8. Alternate Operating Scenarios: None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 05 (01) Crushing/Screening**
Construction commenced: 1992
Particulate Control: The following equipment is enclosed in the same building which houses the raw material handling equipment listed above. Fugitive emissions are collected by hoods and vented to a large baghouse located outside the building.

Description:

- (01 01) Primary Crusher (Pioneer 18' x 42')**
(Maximum Rated Capacity 100 tons/hour)
- (01 02) Conveyor and Transfer Points (Basic 30" x 69')**
- (01 03) Screen (Simplicity 5' x 10')**
(Maximum Rated Capacity 75 tons/hour)

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:310, New nonmetallic mineral processing plants, incorporating by reference 40 CFR 60, Subpart OOO, applicable to an emission unit commenced after August 31, 1983.

- 1. Operating Limitations:** None

- 2. Emission Limitations:**

Emissions from the baghouse of particulate matter associated with this emission point shall not exceed 0.05 g/dscm or exhibit greater than 7 percent opacity as specified in Regulation 401 KAR 59:310 (40 CFR 60.672(a)).

- 3. Testing Requirements:** None

- 4. Specific Monitoring Requirements:**

Visible emissions shall be monitored at least once annually using EPA Reference Method 9 in accordance with the procedures as specified in 40 CFR 60.675.

The permittee shall monitor opacity qualitatively at least once per operating day and the results recorded in a log. The permittee shall record duration and density (heavy or light) of visible emissions as well as the cause and corrective action taken for any abnormal visible emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

4. Specific Monitoring Requirements: (Continued)

The hourly production rate of raw material processed shall be monitored daily and the results recorded in a log.

The pressure drop across the baghouse shall be monitored weekly and the results recorded in a log.

5. Specific Recordkeeping Requirements:

Records of opacity monitoring data and support information shall be kept in accordance with the provisions of Condition 2 of Section E.

6. Specific Reporting Requirements:

See Section E, Conditions 5, 6, 7, and 8.
See Section F, Condition (a) 4.

7. Specific Control Equipment Operating Conditions:

The Flex Kleen baghouse shall be operational at all times when raw materials are being processed within the building housing the crushing/screening equipment listed above. Bags in the baghouse shall be cleaned or replaced as needed to comply with the emission limitations.

8. Alternate Operating Scenarios: None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 02 (02) Brick Dryer**
Natural Gas-Fired Lingl Tunnel Kiln (Old Kiln or Kiln #1)
Maximum Rated Capacity: 6.67 tons/hour
Construction commenced: 1971, Modified in 1985
No Emissions Control
- 03 (03) Brick Dryer**
Natural Gas-Fired Lingl Tunnel Kiln (New Kiln or Kiln #2)
Maximum Rated Capacity: 8.84 tons/hour
Construction commenced: 1980, Modified in 1984
No Emissions Control

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:010, New process operations, applicable to an emission unit commenced on or after July 2, 1975.

Regulation 401 KAR 59:105, New process gas streams, is not applicable since potential sulfur dioxide emissions are less than 100 tons per year.

A maximum achievable control technology (MACT) standard applicable to Clay Products Manufacturing sources emitting more than 10 tons per year of any hazardous air pollutant is scheduled for promulgation by the EPA in November, 2000.

- 1. Operating Limitations:** None
- 2. Emission Limitations:**
 - a. Pursuant to Regulation 401 KAR 59:010, Section 3(2):
 1. Emissions of particulate matter from Kiln #1 (emission point 02) shall not exceed 11.6 lbs/hr.
 2. Emissions of particulate matter from Kiln #2 (emission point 03) shall not exceed 13.9 lbs/hr.
 - b. Pursuant to Regulation 401 KAR 59:010, Section 3(1), visible emissions into the open air from each kiln (emission points 02 and 03) shall not equal or exceed 20 percent opacity.
 - c. The source shall comply with the MACT standard (when it becomes effective) with respect to hydrogen fluoride emissions. The source shall install the required control equipment by the compliance date unless an extension is granted.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**2. Emission Limitations: (Continued)**

Compliance with the particulate mass emission standard may be demonstrated using the following equation: particulate emission rate (lbs/hour) = bricks produced (tons/hour) x particulate emission factor (lbs/ton). The emission factor shall be based on the results of a stack test of this facility or similar facilities, or, if these are not available, the appropriate emission factor given in Table 11.3-2 of AP-42 (8/97) may be used.

3. Testing Requirements: None**4. Specific Monitoring Requirements:**

Visible emissions from each kiln shall be monitored at least once annually using EPA Reference Method 9.

The permittee shall monitor opacity qualitatively at least once per operating day and the results recorded in a log. The permittee shall record color, duration, and density (heavy or light) of visible emissions as well as the cause and corrective action taken for any abnormal visible emissions.

The hourly production rate of bricks processed by each kiln shall be monitored daily and the results recorded in a log.

5. Specific Recordkeeping Requirements:

Records of opacity monitoring data, hourly production rates, and support information shall be kept in accordance with the provisions of Condition 2 of Section E.

6. Specific Reporting Requirements:

See Section E, Conditions 5, 6, 7, and 8.
See Section F, Condition (a) 4.

7. Specific Control Equipment Operating Conditions: None**8. Alternate Operating Scenarios: None**

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

- 06 (04) Brick Crushing Operation - Receiving and Loadout**
Construction commenced: 1996
Particulate Control: Wet Suppression

Description:

Brick Feed Hopper (Federal)

Screen Collecting Conveyor and Transfer Points

Stacking Conveyors (2) and Transfer Points

Stockpiles (2)

Truck Loadouts (2)

- 04 (05) Haul Road and Yard Area**

APPLICABLE REGULATIONS:

Regulation 401 KAR 63:010, Fugitive emissions.

Applicable Requirements:

- a. Pursuant to State Regulation 401 KAR 63:010, Section 3(1), reasonable precautions shall be taken to prevent particulate matter from becoming airborne. Such reasonable precautions shall include but not be limited to the following: (1) Application and maintenance of water or a chemical wetting agent on roads, materials stockpiles, and other surfaces which can create airborne dusts. (2) Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dust materials, or the use of water sprays or other measures to suppress the dust emissions during handling. (3) Covering, at all times when in motion, open bodied trucks transporting materials likely to become airborne. (4) The maintenance of paved roadways in a clean condition. (5) The prompt removal of earth or other material from a paved street which earth or other material has been transported thereto by trucking or earth moving equipment or erosion by water.
- b. Pursuant to State Regulation 401 KAR 63:010, Section 3(2), discharge of visible fugitive emissions beyond the property line is prohibited.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

1. **Operating Limitations:** None
2. **Emission Limitations:** None
3. **Testing Requirements:** None
4. **Specific Monitoring Requirements:**

Visual observations shall be made hourly during plant operation to determine if fugitive dust from the raw material handling equipment is being generated in such an amount or manner as to cause a nuisance or to cross the property line. If such a condition develops, water or another wetting agent shall be applied to suppress fugitive dust emissions so as to comply with the applicable requirements of Regulation 401 KAR 63:010 as listed above.

In addition, visual observations shall be made hourly during plant operation to determine if fugitive dust is becoming airborne from the haul road, yard area, or raw material storage areas as the result of vehicular traffic or windy conditions. If such a condition develops, water or a chemical wetting agent shall be applied to these areas as specified in Regulation 401 KAR 63:010 as listed above. Paved roads utilized by vehicles entering or exiting the plant shall be visually monitored on a daily basis to ensure that they are maintained in a clean condition.

5. **Specific Recordkeeping Requirements:** None
6. **Specific Reporting Requirements:** None
7. **Specific Control Equipment Operating Conditions:**

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

8. **Alternate Operating Scenarios:** None

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

07 (04) Brick Crushing Operation - Crushing and Screening

Construction commenced: 1996

Particulate Control: Wet Suppression

Description:

Primary Crusher (McLanahan)

Maximum Rated Capacity: 75 tons/hour

Double Screen (Allis Chalmers)

Maximum Rated Capacity: 75 tons/hour

Conveyors (2) and Transfer Points

APPLICABLE REGULATIONS:

Regulation 401 KAR 59:310, New nonmetallic mineral processing plants, incorporating by reference 40 CFR 60, Subpart OOO, applicable to an emission unit commenced after August 31, 1983.

1. Operating Limitations: None

2. Emission Limitations:

- a. Fugitive emissions from the primary crusher shall not exhibit greater than 15 percent opacity, as specified in State Regulation 401 KAR 59:310 (40 CFR 60.672(c)).
- b. Fugitive emissions from the double screen or from any transfer point on the conveyor belt shall not exhibit greater than 10 percent opacity, as specified in State Regulation 401 KAR 59:310 (40 CFR 60.672(b)).

3. Testing Requirements: None

4. Specific Monitoring Requirements:

Visible emissions shall be monitored at least once annually using EPA Reference Method 9 in accordance with the procedures as specified in 40 CFR 60.675.

The permittee shall monitor opacity qualitatively at least once per operating day and the results recorded in a log. The permittee shall record duration and density (heavy or light) of visible emissions as well as the cause and corrective action taken for any abnormal visible emissions.

SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)

5. Specific Recordkeeping Requirements:

Records of opacity monitoring data and support information shall be kept in accordance with the provisions of Condition 2 of Section E.

6. Specific Reporting Requirements:

See Section E, Conditions 5, 6, 7, and 8.
See Section F, Condition (a) 4.

7. Specific Control Equipment Operating Conditions:

All control devices shall be properly maintained, kept in good operating condition, and used in conjunction with the associated processes in accordance with the manufacturer's specifications.

8. Alternate Operating Scenarios: None

SECTION C - INSIGNIFICANT ACTIVITIES

The following listed activities have been determined to be insignificant activities for this source pursuant to Regulation 401 KAR 50:035, Section 5(4). While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
Sand Drying and Mixing:	61:020
Rotary Kiln/Sand Dryer	
Sand Mixer	
2 Storage Bins	
Conveyors	
Universal shaker screen	
Koger baghouse	
Forming Area/Texturing Line:	61:020
Settling Machine	
Torit baghouse	

SECTION D - SOURCE CONTROL EQUIPMENT REQUIREMENTS

1. Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
2. All fugitive emissions shall be controlled in accordance with Regulation 401 KAR 63:010.

SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS

1. When continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
 - a. Date, place as defined in this permit, and time of sampling or measurements.
 - b. Analyses performance dates;
 - c. Company or entity that performed analyses;
 - d. Analytical techniques or methods used;
 - e. Analyses results; and
 - f. Operating conditions during time of sampling or measurement;
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality. [401 KAR 50:035, Permits, Section 7(1)(d)2 and 401 KAR 50:035, Permits, Section 7(2)(c)]
3. In accordance with the requirements of Regulation 401 KAR 50:035, Permits, Section 7(2)(c) the permittee shall allow the Cabinet or authorized representatives to perform the following:
 - a. Enter upon the premises where a source is located or emissions-related activity is conducted, or where records are kept;
 - b. Have access to and copy, at reasonable times, any records required by the permit:
 - I. During normal office hours, and
 - ii. During periods of emergency when prompt access to records is essential to proper assessment by the Cabinet;
 - c. Inspect, at reasonable times, any facilities, equipment (including monitoring and pollution control equipment), practices, or operations required by the permit. Reasonable times shall include, but are not limited to the following:
 - I. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency; and
 - d. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements. Reasonable times shall include, but are not limited to the following:
 - I. During all hours of operation at the source,
 - ii. For all sources operated intermittently, during all hours of operation at the source and the hours between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays, and
 - iii. During an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.

SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

5. Reports of any monitoring required by this permit shall be reported to the Division's Frankfort Regional Office no later than the six-month anniversary date of this permit and every six months thereafter during the life of this permit, unless otherwise stated in this permit. All reports shall be certified by a responsible official pursuant to Section 6(1) of Regulation 401 KAR 50:035, Permits. All deviations from permit requirements shall be clearly identified in the reports.
6.
 - a. In accordance with the provisions of Regulation 401 KAR 50:055, Section 1 the owner or operator shall notify the Division for Air Quality's Frankfort Regional Office concerning startups, shutdowns, or malfunctions as follows:
 1. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
 2. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards notification shall be made as promptly as possible by telephone (or other electronic media) and shall cause written notice upon request.
 - b. In accordance with the provisions of Regulation 401 KAR 50:035, Section 7(1)(e)2, the owner or operator shall promptly report deviations from permit requirements including those attributed to upset conditions to the Division for Air Quality's Frankfort Regional Office. Prompt reporting shall be defined as quarterly for any deviation related to emission standards (other than emission exceedances covered by condition 6(a) above) and semi-annually for all other deviations from the permit requirements if not otherwise specified in the permit.
7. Pursuant to Regulation 401 KAR 50:035, Permits, Section 7(2)(b), the permittee shall certify compliance with the terms and conditions contained in this permit, annually on the permit issuance anniversary date by completing and returning a Compliance Certification Form (DEP 7007CC) (or an approved alternative) to the Division for Air Quality's Frankfort Regional Office and the U.S. EPA in accordance with the following requirements:
 - a. Identification of each term or condition of the permit that is the basis of the certification;
 - b. The compliance status regarding each term or condition of the permit;
 - c. Whether compliance was continuous or intermittent; and
 - d. The method used for determining the compliance status for the source, currently and over the reporting period, pursuant to 401 KAR 50:035, Section 7(1)(c),(d), and (e).
 - e. The certification shall be postmarked by the thirtieth (30) day following the applicable permit issuance anniversary date. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality
Frankfort Regional Office
643 Teton Trail, Suite B
Frankfort, KY 40601

U.S. EPA Region IV
Air Enforcement Branch
Atlanta Federal Center
61 Forsyth St.
Atlanta, GA 30303-8960

Division for Air Quality
Central Files
803 Schenkel Lane
Frankfort, KY 40601

SECTION E - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)

8. In accordance with Regulation 401 KAR 50:035, Section 23, the permittee shall provide the division with all information necessary to determine its subject emissions within thirty (30) days of the date the KEIS emission report is mailed to the permittee.
9. Pursuant to Section VII.3 of the policy manual of the Division for Air Quality as referenced by Regulation 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the division by the source or its representative within forty-five days after the completion of the fieldwork.

SECTION F - GENERAL CONDITIONS

(a) General Compliance Requirements:

1. The permittee shall comply with all conditions of this permit. A noncompliance shall constitute violations of state regulation 401 KAR 50:035, Permits, Section 7(3)(d), and of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) and is grounds for enforcement action including but not limited to the termination, revocation and reissuance, or revision of this permit.
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition.
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause. The permit will be reopened for cause and revised accordingly under the following circumstances:
 - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to Regulation 401 KAR 50:035, Section 12(2)(c);
 - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
 - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish to the division, in writing, information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. [401 KAR 50:035, Permits, Section 7(2)(b)3e and 401 KAR 50:035, Permits, Section 7(3)(j)]
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the permitting authority.

SECTION F - GENERAL CONDITIONS (CONTINUED)

(a) General Compliance Requirements: (Continued)

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit. [401 KAR 50:035, Permits, Section 7(3)(k)]
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance. [401 KAR 50:035, Permits, Section 7(3)(e)]
8. Except as identified as state-origin requirements in this permit, all terms and conditions contained herein shall be enforceable by the United States Environmental Protection Agency and citizens of the United States.
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6). [401 KAR 50:035, Permits, Section 7(3)(h)]
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [401 KAR 50:035, Permits, Section 8(3)(b)]
11. This permit shall not convey property rights or exclusive privileges. [401 KAR 50:035, Permits, Section 7 (3)(g)]
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry. [401 KAR 50:035, Permits, Section 7(2)(b)5]
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders. [401 KAR 50:035, Permits, Section 8(3)(a)]
15. Permit Shield: Except as provided in State Regulation 401 KAR 50:035, Permits, compliance by the affected facilities listed herein with the conditions of this permit shall be deemed to be compliance with all applicable requirements identified in this permit as of the date of issuance of this permit.
16. All previously issued construction and operating permits are hereby null and void.

SECTION F - GENERAL CONDITIONS (CONTINUED)**(b) Permit Expiration and Reapplication Requirements:**

This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the division. [401 KAR 50:035, Permits, Section 12]

(c) Permit Revisions:

1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of Regulation 401 KAR 50:035, Section 15.
2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority thirty (30) days in advance of the transfer.

(d) Acid Rain Program Requirements:

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions:

1. An emergency shall constitute an affirmative defense to an action brought for noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or other relevant evidence that:
 - a. An emergency occurred and the permittee can identify the cause of the emergency;
 - b. The permitted facility was at the time being properly operated;
 - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and,

SECTION F - GENERAL CONDITIONS (CONTINUED)

- d. The permittee notified the division as promptly as possible and submitted written notice of the emergency to the division within two working days after the time when emission limitations were exceeded due to the emergency. The notice shall meet the requirements of 401 KAR 50:035, Permits, Section 7(1)(e)2, and include a description of the emergency, steps taken to mitigate emissions, and the corrective actions taken. This requirement does not relieve the source of any other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement.
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof. [401 KAR 50:035, Permits, Section 9(3)]

(f) Risk Management Provisions:

1. The permittee shall comply with all applicable requirements of 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall:
 - a. Submit a Risk Management Plan to U. S. EPA, Region IV with a copy to this division and comply with the Risk Management Program by June 21, 1999 or a later date specified by the U. S. EPA.
 - b. Submit additional relevant information if requested by the division or the U.S. EPA.

(g) Ozone depleting substances:

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
 - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
 - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166.
 - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
 - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.